

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Derrick Duane Poston**

Docket No. **285472**

L.C. No. **04-009948-01-FH**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion for permission to file a substitute brief on behalf of defendant-appellant is GRANTED. The appellant's brief filed on December 4, 2008, and the appellee's brief filed on February 19, 2009, are STRICKEN.

The appellant's brief that was received on September 7, 2009, is accepted for filing. The time for filing the appellee's brief will be calculated under MCR 7.212(A)(2)(a)(ii) starting from the date of the Clerk's certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 16 2009

Date

Sandra Schultz Mengel
Chief Clerk